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[\*Backman v. Westinghouse Savannah River Co.\*, 95-ERA-29 \(Sec'y Aug. 17, 1995\)](#)  
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DATE: August 17, 1995  
CASE NO. 95-ERA-29

IN THE MATTER OF

ROBERT A. BACKMAN

COMPLAINANT,

v.

WESTINGHOUSE SAVANNAH RIVER COMPANY

RESPONDENT,

and

BELL ATLANTIC,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER OF DISMISSAL

Before me for review is a Recommended Order of Dismissal in this case which arises under the employee protection provision of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. § 5851. On May 3, 1995, the ALJ issued an Order to Show Cause directing Complainant to respond on or before May 16, 1995, stating why the case should not be dismissed for Complainant's failure to prosecute and his apparent abandonment of the claim. Complainant failed to respond to the ALJ's Order to Show Cause. On May 31, 1995, the ALJ entered a recommended Order of Dismissal with prejudice.

On July 7, 1995, an Order to Show Cause was issued, directing Complainant to file, within 15 days of that Order, a response explaining why this matter should not be dismissed.

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Again, Complainant filed no response to the Order to Show Cause.

Based on Complainant's failure to respond to the both Orders to Show Cause, the ALJ's recommendation is accepted and this case is dismissed with prejudice.

SO ORDERED.

ROBERT B. REICH  
Secretary of Labor

Washington, D.C.